

REMARKS

None of the claims have been cancelled or amended. Claims 1-14 are pending and under consideration. Claims 1, 7, 13 and 14 are the independent claims. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1-14 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Applicants respectfully traverse this rejection for at least the following reasons.

As an initial matter, in order to establish a *prima facie* case for lack of enablement, the Examiner must demonstrate that one skilled in the art would not be able to make or use the claimed invention without *undue experimentation*. In order to make such a showing, the Examiner needs to account for the various factors outlined in MPEP 2164.01(a), which includes the "(A) The breadth of the claims; (B) The nature of the invention; (C) The state of the prior art; (D) The level of one of ordinary skill; (E) The level of predictability in the art; (F) The amount of direction provided by the inventor; (G) The existence of working examples; and (H) The quantity of experimentation needed to make or use the invention based on the content of the disclosure." Using these factors, the Examiner needs to provide a rational basis as to why one skilled in the art would be unable to make or use the claimed invention. This basis needs to be supported by evidence beyond conclusory statements.

In the Office Action, the Examiner has not provided a reasonable basis upon which to conclude that one skilled in the art would be not be able to make or use the claimed invention without undue experimentation. There is no explanation as to why, assuming that the "the thin film transistor is formed so that the primary crystal grain boundaries of a polysilicon substrate are not positioned in the LDD or offset region" is critical or essential to the practice of the invention, one skilled in the art would be unable to make or use the invention claimed in claims 1-14, when the specification itself teaches that "primary" crystal grain boundaries are not formed on the LDD region II of a TFT by adjusting the width between the "primary" crystal grain boundaries formed of polysilicon (paragraphs [0035] and [0036] of the specification).

Furthermore, it is noted that one of ordinary skill in the art, would know how to adjust the

width of the grain, or the distance between the primary crystal grains, by utilizing an SLS method to form the primary crystal grains. For example, in the SLS method, it is well known that a distance between primary crystal grain boundaries is controlled by manipulating the ratio of an overlapping mask when the mask is moving or being scanned. The specification mentions utilizing the SLS method for forming grain boundaries (see at least paragraphs [0012]-[0014] and [0020] of the specification). Therefore, the specification provides sufficient support so as to enable one of ordinary skill in the art to make and/or use the invention.

As such, it is respectfully submitted that the Examiner has not provided sufficient evidence of a lack of enablement as to establish a *prima facie* case for a lack of enablement. Therefore, it is respectfully submitted that claims 1-14 are deemed patentable due at least to their being in compliance with 35 U.S.C. §112, first paragraph.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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